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**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION**

IN RE: FACEBOOK, INC. CONSUMER
PRIVACY USER PROFILE LITIGATION,

This document relates to:

ALL ACTIONS

CASE NO. 3:18-MD-02843-VC

**FACEBOOK, INC.'S NOTICE OF APPEAL
OF SPECIAL MASTER'S AMENDED
ORDER RE: PLAINTIFFS' MOTION TO
COMPEL PRODUCTION OF PLAINTIFF
DATA**

Pursuant to Pretrial Order No. 40 (Dkt. 709), Facebook provides notice that it appeals the following portions of the Special Master’s Amended Order Re: Plaintiffs’ Motion to Compel Production of Plaintiff Data (Record at 0001), as explained in more detail in Facebook’s reconsideration motion (*id.* at 0009):

1. The Special Master’s finding that this Court’s “Discovery Order No. 9 does not limit the scope of discoverable data related to the Named Plaintiffs to data that was shared with third parties . . . because Judge Corley’s ruling contains no language [saying that]” (*id.* at 0006 ¶ 17), even though: (a) this Court’s ruling made it clear it was intended to capture “information that Facebook collects or shares with third parties about Facebook’s users” (*id.* at 0132); (b) this is a data-sharing class action; and (c) Plaintiffs conceded in their briefing underlying this Court’s ruling that they “d[id] not contend that information that was not shared is relevant,” which would “substantially narrow[] the information Facebook would be required to produce” (*id.* at 0143), and repeatedly confirmed they were seeking only data that Facebook shared or made accessible to third parties—a representation on which this Court relied; and

2. The Special Master’s order that Facebook must collect detailed information about nearly 150 data sources across the company (*id.* at 0008), even if the data from those sources was never shared or made accessible outside of Facebook.¹

¹ On December 22, 2021, the Special Master revised the information to be produced and extended the compliance deadline in the Amended Order to January 6, 2022.

1 Dated: December 23, 2021

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